

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 06-69-GMS
)	
LIONEL BELL,)	
)	
Defendant.)	

**JOINT STIPULATIONS AND MOTION FOR SCHEDULING OF A SENTENCING
HEARING**

NOW COMES the United States, by and through its undersigned attorneys, and the defendant, Lionel Bell, by and through his attorney, James Natalie, Esquire, and hereby move to set a new date for sentencing in the above captioned matter.

The grounds for this Motion are as follows:

1. This Court originally scheduled sentencing for this matter on May 18, 2007.
2. Based on potential objections by the defense and the Government, this Court requested that the parties determine whether further briefing would be required.
3. The parties hereby agree and stipulate to the following:
 - (a) Neither party has further objections to factual allegations contained in the revised Pre-Sentence Investigation Report (PSR), dated May 10, 2007.
 - (b) The factual allegations contained in paragraphs 32 of the PSR regarding the circumstances surrounding the defendant's three prior convictions for Burglary

Third Degree should not be considered by this Court in determining whether the defendant qualifies as an armed career criminal under 18 U.S.C. § 924(e).

- (c) Once this Court determines the applicability of the Armed Career Criminal Act to the defendant's sentence, the factual allegations contained in paragraph 32 of the PSR may be considered by this Court in determining the ultimate sentence under the factors set forth in 18 U.S.C. § 3553(a).
- (d) In making the Armed Career Criminal Act determination, the parties respectfully submit that, under the *Taylor/Sheppard* categorical approach, this Court should not consider any extrinsic evidence other than: (i) the counts of the Indictment to which the defendant pleaded guilty; (ii) the plea agreement; (iii) the plea colloquy, (iv) the statutory elements of the offense under Delaware law; and (v) any admissions by the defendant regarding the conduct at issue.
- (e) Therefore, the parties respectfully submit that this Court should not consider the Counts of the Burglary Indictment that were subsequently dismissed, nor should it consider the allegations made by the defense regarding Delaware policies and practices.
- (f) The parties therefore agree that no additional evidence or testimony will be presented and request that this Court make its determination regarding the applicability of the Armed Career Criminal Act on the basis of the specific documentary evidence discussed above.

4. As the parties are in agreement regarding the evidence to be considered at sentencing, they respectfully submit that no further briefing is required.

WHEREFORE, the parties respectfully requests thus request that this Court schedule a time for sentencing in this matter.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

/s/ James Natalie
James Natalie, Esquire
Attorney for Defendant

BY: /s/ Ilana H. Eisenstein
Ilana H. Eisenstein
Assistant United States Attorney

Dated: May 23, 2007

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

V.

) Criminal Action No. 06-69-GMS

LIONEL BELL,

Defendant.

ORDER

IT IS HEREBY ORDERED this _____ day of _____, 2007, that the Sentencing
in this case be re-scheduled for _____ at _____.

HONORABLE GREGORY M. SLEET
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIONEL BELL,

Defendant.

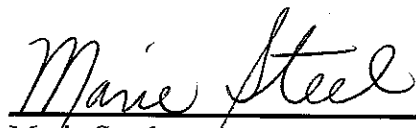
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Case No. 06-69-GMS

CERTIFICATE OF SERVICE

I, Marie Steel, Legal Assistant in the Office of the United States Attorney for the District of Delaware, hereby certify that on the 23rd day of May, 2007, I caused to be filed Joint Stipulations and Motion For Scheduling of Sentencing Hearing with the Clerk of Court. I further certify that a copy of the foregoing was mailed via First Class Mail to counsel of record as follows:

James A. Natalie, Jr., Esquire
Woloshin, Lynch, Natalie & Gagne
3200 Concord Pike
Wilmington, DE 19803



Marie Steel
Legal Assistant